

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

*30 DEC 2005 / 30 JAN 2006*

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

*X16606*

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No  
PCT/US2005/010205

International filing date (day/month/year)  
25.03.2005

Priority date (day/month/year)  
30.03.2004

International Patent Classification (IPC) or both national classification and IPC  
A61M5/315

Applicant  
ELI LILLY AND COMPANY

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66 1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220**

Name and mailing address of the ISA



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/010205

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/010205

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-17
	No: Claims	

Inventive step (IS)	Yes: Claims	1-17
	No: Claims	

Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

The present application relates to a medication dispensing apparatus.

The closest prior art is represented by document WO03/080160 (D1), cited on page 2. Said document D1 (refer to figures 2 and 3) shows a medication dispensing apparatus with a housing (60), a drive member (62), a fluid container (48), a plunger (96) and means for interconnecting said drive member and said plunger in the form of a gear set (64), as claimed in the preamble of claim 1.

The subject-matter of claim 1 differs from the disclosure of document D1 in that at least a portion of the drive member extends through an opening through at least one of a first and a second pinion, building up the gear set.

This differentiating feature addresses the objective technical problem of allowing a compact and symmetrical design of the apparatus, which makes it easier to use.

In figure 1, document GB27377 (D2) shows a hollow pinion (9) connected to a driving wheel (7). No drive member movable in a distal direction is however disclosed. Moreover hollow pinion 9 does not address the objective technical problem as defined above, so that the skilled man would not consider the disclosure of document D2.

Therefore the subject-matter of claim 1 and of its dependent claims 2-17 appears to fulfill the requirements of Article 33(2) and (3) PCT regarding novelty and inventive step.

**Re Item VII**

**Certain defects in the international application**

The claims do not contain any reference signs to the figures, which would be appropriate to facilitate the understanding of the claims themselves (Rule 6.2(b) PCT).